

September 21, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-80

The purpose of this All County Letter is to release guidance on changes to the Able-Bodied Adults without Dependents time limit policy required by the [Fiscal Responsibility Act of 2023 \(FRA\)](#).



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GAVIN NEWSOM
GOVERNOR

September 21, 2023

ALL COUNTY LETTER NO. 23-80

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL COORDINATORS

SUBJECT: CALFRESH IMPLEMENTATION OF THE FISCAL
RESPONSIBILITY ACT OF 2023: CHANGES TO ABLE-BODIED
ADULTS WITHOUT DEPENDENTS TIME LIMIT POLICY

REFERENCE: [FISCAL RESPONSIBILITY ACT OF 2023 \(FRA\)](#); [TITLE 7 OF THE UNITED STATES CODE SECTION 2015\(o\)\(2\)](#); [TITLE 7 CODE OF FEDERAL REGULATIONS \(CFR\) 273.24](#), [7 CFR 271.2](#), [7 CFR 273.2\(f\)](#); [ALL COUNTY LETTER \(ACL\) NO. 19-93](#), [ACL NO. 22-103](#), [ACL NO. 22-74](#); [SECTION 5126\(F\)\(13\)\(F\) OF THE JAMES M. INHOFE NATIONAL DEFENSE AUTHORIZATION ACT OF 2023](#); [SECTION 475\(8\)\(B\)\(iii\) OF THE SOCIAL SECURITY ACT](#); [TITLE 42 OF UNITED STATES CODE SECTION 675\(8\)\(B\)\(iii\)](#); [SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM \(SNAP\) QUALITY CONTROL REVIEW HANDBOOK \(FOOD AND NUTRITION SERVICE HANDBOOK 310\)](#).

The purpose of this All County Letter (ACL) is to release guidance on changes to the Able-Bodied Adults without Dependents (ABAWD) time limit policy required by the [Fiscal Responsibility Act of 2023 \(FRA\)](#).

Background

Under [Title 7 of the United States Code Section 2015\(o\)\(2\)](#) and [Title 7 Code of Federal Regulations \(CFR\) 273.24](#), the receipt of Supplemental Nutrition Assistance Program (SNAP) benefits, known as CalFresh in California, is limited to three full months in a 36-month period for an ABAWD. This is commonly referred to as the ABAWD time limit.

Under existing federal policy, an ABAWD is a CalFresh recipient, age 18 through 49, who is able-bodied without dependent children and does not meet the criteria for an exemption from the ABAWD time limit. ABAWD eligibility for CalFresh is time-limited to any three full months of benefits in a 36-month period unless the individual:

- Satisfies the ABAWD work requirement;
- Is exempt from the ABAWD time limit;
- Qualifies for an additional three consecutive month period of eligibility;
- Receives a discretionary exemption; or
- Lives in a county or area with a waiver of the ABAWD time limit.

Additionally, federal law provides that each State be allotted a number of discretionary exemptions equal to 12 percent of the State's annual SNAP caseload that is subject to the ABAWD time limit. Discretionary exemptions allow the County Welfare Department (CWD) to extend CalFresh eligibility to ABAWDs who would otherwise be ineligible. Each discretionary exemption is equal to one full month of CalFresh eligibility for one ABAWD.

Changes to the ABAWD Time Limit

On June 3, 2023, the President signed into law the [Fiscal Responsibility Act of 2023 \(FRA\)](#), which enacts three new changes to the ABAWD time limit policy. These changes include gradually increasing the age of those subject to the ABAWD time limit, adding new exemption criteria, and limiting states' ability to accrue and carry over discretionary exemptions.

Changes to the ABAWD time limit age requirement, and exemption criteria are temporary and will expire on October 1, 2030. Instructions regarding the sunset of these provisions will be released in a separate ACL.

New ABAWD Time Limit Age Requirements

The FRA gradually increases the age of those subject to the ABAWD time limit as follows:

- Effective September 1, 2023, the age of those subject to the ABAWD time limit increases to age 50.
- Effective October 1, 2023, the age of those subject to the ABAWD time limit increases to age 52.
- Effective October 1, 2024, the age of those subject to the ABAWD time limit increases to age 54.

As a reminder, individuals in the upper age limit of the new ABAWD time limit criteria are not subject to the time limit until the month following their birthday.

Example: A CalFresh participant turns 50 on September 5, 2023. This individual would not be subject to the ABAWD time limit rules until October 1, 2023. This is because the month in which an exemption ends must not be considered if the individual qualifies for an exemption for any part of the month.

New ABAWD Time Limit Exemption Criteria

Effective September 1, 2023, the FRA adds three new groups of individuals who are exempt from the ABAWD time limit.

1. **Individuals experiencing homelessness.** “A homeless individual,” as defined at [7 CFR 271.2](#), is an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
 - A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
 - A halfway house or similar institution that provides a temporary residence for individuals intended to be institutionalized;
 - A temporary accommodation for not more than 90 days in the residence of another individual; or
 - A place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).

Per [All County Letter \(ACL\) No. 19-93](#) issued on September 12, 2019, chronic homelessness is listed as an indicator of obvious unfitness to work and requires further assessment. Under the FRA, individuals no longer have to experience chronic homelessness to meet the criteria for an exemption from the ABAWD time limit, as they are exempt based on the criteria mentioned above. No further assessment of their circumstances is required.

2. **Veterans.** “A veteran,” as defined in [Section 5126\(f\)\(13\)\(F\) of the James M. Inhofe National Defense Authorization Act of 2023](#), is an individual who served in the United States Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release. This means veterans who were honorably or dishonorably discharged are exempt from the ABAWD time limit.
3. **Foster Youth.** For this purpose, foster youth are defined as individuals aged 24 or younger who were in care on their 18th birthday, whether they continue in care or not. This includes any individual who was in a foster care program run by the State, District, Territory or Indian Tribal Organization on their 18th birthday or a higher age as elected by the State and as defined under the

[Section 475\(8\)\(B\)\(iii\) of the Social Security Act](#) and [Title 42 of United States Code Section 675\(8\)\(B\)\(iii\)](#).

Example A: A 19-year-old applicant/recipient who was in foster care on their 18th birthday and who elects to remain in extended foster care qualifies for the exemption.

Example B: A 21-year-old applicant/recipient who was in foster care on their 18th birthday and did not elect to remain in extended foster care can still qualify for the exemption because they were in foster care at the time they turned 18. The individual would continue to be eligible for the exemption until their 25th birthday.

Changes to Discretionary Exemptions

Effective October 1, 2023, the FRA decreases the State's annual allotment of ABAWD discretionary exemptions from 12 percent to 8 percent of the caseload subject to the ABAWD time limit. This provision also limits the State's ability to carryover unused ABAWD discretionary exemptions to no more than one year. In Federal Fiscal Year (FFY) 2024 and FY 2025, State agencies may use the discretionary exemptions they earn during the fiscal year and unused exemptions accumulated in prior years. Beginning October 1, 2025, State agencies may only carryover unused exemptions allotted from the prior FFY.

At the time of publication of this letter, California has an allocation of 851,432 discretionary exemptions that will no longer be available effective October 1, 2025. Additionally, California is currently under a statewide waiver of the ABAWD time limit until October 1, 2024. Discretionary exemptions cannot be used while a state is under a statewide waiver. Upon expiration of the statewide waiver, CDSS will issue specific instructions for the use of the available allocation of discretionary exemptions in a separate ACL.

Applying the New ABAWD Time Limit Exemptions

Beginning September 1, 2023, the new ABAWD time limit exemptions must be applied at initial application, recertification, and mid-period if a household voluntarily reports information that qualifies for one of the new exemptions. The CWD should use the information available in the case record, on the application, or obtained during the interview or any other contact with the household to determine if an individual meets the criteria for an ABAWD time limit exemption.

The CWD must screen for and document ABAWD time limit exemptions in the case record, with enough information to support the determination, regardless of an ABAWD time limit waiver. Documentation in the case record should include updating case detail screens and narration in the case journal.

Verification Requirements

There are no additional verification requirements for the new exemptions. The CWD must follow the verification requirements at [7 CFR 273.2\(f\)](#). Verification of ABAWD exemptions is only required when the information is questionable. The county must support households in obtaining verification and must accept any reasonable documentary evidence provided by the household. If documentary evidence cannot be obtained or is insufficient, the CWD may use collateral contacts, home visits, or accept a client statement.

If the information is questionable, examples of verification that CWDs may use to verify include, but are not limited to:

- Individuals experiencing homelessness - Collateral contact with a homeless shelter, a person they are staying with, or any other individual aware of the individual's circumstances.
- Veterans - Service department records, such as a Certificate of Release or Discharge from Active Duty (DD Form 214), original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces; Correspondence or contact from the Department of Veteran Affairs including benefit payment or award letter or Veteran ID Card; correspondence or contact from the Department of Veteran Affairs indicating service in the United States Armed Forces, or driver's license indicating veteran status. Individuals do not need to receive veteran benefits to meet the veteran exception criteria.
- Foster Youth— Data sharing and/or collateral contact from other social services workers or agencies, such as the agency administering the foster care program or Medi-Cal, and statements from someone familiar with the individual's circumstances.

As a reminder, if verification is required, the CWD must not require a specific type of verification. Households experiencing homelessness are exempt from the residency verification requirement.

CWD Reminders

As of the date of publication of this letter, California is currently under a statewide waiver of the ABAWD time limit. The statewide waiver is effective November 1, 2022 through October 31, 2024, as per [ACL No. 22-103](#) issued on December 16, 2022. Regardless of waiver status, counties must remain ready to transition off the waiver when it expires and reintroduce the ABAWD time limit. All CWDs must continue to:

- Identify ABAWDs, screen for exemptions, and inform households of ABAWD rules. This includes screening for and applying the new ABAWD time limit

exemptions at initial application, recertification, and during the certification period beginning September 1, 2023, as described in this letter.

- Provide the CalFresh Informational Notice – CalFresh Time Limit for ABAWDs (CF 377.11C) to ABAWD households. Once the CalFresh Notice of Work Rules (CF 886) is automated in the California Statewide Automated Welfare System (CalSAWS), the CF 377.11C will become obsolete, and counties must then provide the CF 886 along with a comprehensive oral explanation of each applicable work rule to all household members subject to the CalFresh work rules.
- Track and report work registrant, ABAWD, and Employment and Training (E&T) data on the Non-Assistance CalFresh Work Registrants, Able-Bodied Adults Without Dependents, and Employment and Training Program Quarterly Statistical (STAT 47) report.

For more information on county responsibilities pertaining to ABAWDs, see [ACL No. 19-93](#) and [ACL No. 22-74](#) issued on September 2, 2022.

Quality Control

CalFresh Quality Control (QC) will review cases based on the updated guidance on the new FRA changes for individuals subject to the ABAWD time limit issued in this letter. QC must apply the verification standards and procedures specified in the [Supplemental Nutrition Assistance Program \(SNAP\) Quality Control Review Handbook \(Food and Nutrition Service Handbook 310\)](#) for its review.

Counties are reminded the case record must provide sufficient documentation to support the benefit level determination. Documentation must provide enough detail to permit a reviewer with no prior knowledge of the individual case to determine the accuracy of benefit allotments.

If you have any questions or need additional guidance regarding the information in this letter, contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ALEXIS FERNÁNDEZ GARCIA
Deputy Director
Family Engagement and Empowerment Division